

AMENDMENTS TO THE DRAWINGS

Please delete drawing Figure 3.

REMARKS

The rejection based on new matter is noted. While Applicant does not entirely agree with the Examiner's reasoning, the objected to matter has been removed from the specification and drawings. This should overcome the § 112 rejection.

Claims 4 and 5 have been canceled.

Claims 1, 2 and 4 are rejected over Swan (USP 5,090,617) taken in combination with a number of secondary references.

Main claim 1 of the application has been amended to set forth the features that in the operation of the incubator of the present invention the control means calculates CO₂ gas supply time and stop time per unit time based on the deviation between the detected CO₂ gas concentration and set CO₂ gas concentration value.

Also, the control means controls supplying the CO₂ gas in accordance with the calculated supply time and stop time per unit time.

The Examiner refers to the PID controller as discussed in Swan column 1, lines 53-60; column 6 line 44 to column 7, line 60, and column 14, lines 49-68 for the above features. Applicant does not find a specific teaching of these features in the cited portions of Swan. The citation of column 1, lines 53-60 makes a general statement that the PID gives accurate control of temperature and atmospheric gas levels. At column 6, line 44, to column 7, line 60, there is a description of the circuit but no mention of the two features described above. Finally, column 14, lines 49-68, describes checking and controlling the CO₂ variable but also does not describe the above features, which have been added to claim 1.

The other cited secondary references do not teach or suggest these features. Also, even if the references are properly combined with Swan, they do not teach all of the features of amended

claim 1. Therefore, claim 1 is patentable and should be allowed. The other claims depend from claim 1 and recite further features of the invention. Therefore, they also are patentable.

Claims 1, 2, 4 and 5 are rejected over Vision Scientific and a plethora of secondary references. The Examiner states (top of page 9 of the action) that Vision Scientific has the features now recited in claim 1, but does not point out any parts of the publication that teach them. Applicants respectfully submit that they do not appear to teach or suggest these features. Therefore, amended claim 1 defines a novel and advantageous device and should now be allowed. Its dependent claims 2 and 4 also are patentable and should be allowed.


A new claim 6 has been added which depends on claim 1. This recites the plurality of spaces, but does not recite a separate door for each space. This claim also should be allowed.

It is submitted that the amended claims are all patentably distinguished over the cited art and should be allowed.

Prompt and favorable action is requested.

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Respectfully submitted,

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